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# Abraham Lincoln's Contemporaries

John Locke Scripps

Excerpts from newspapers and other  
sources

From the files of the  
Lincoln Financial Foundation Collection





# Lincoln Lore

January, 1977

Bulletin of The Lincoln National Life Foundation...Mark E. Neely, Jr., Editor. Published each month by The Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1667

## Abraham Lincoln and the Adams Family Myth

*Editor's Note:* Valuable help in preparing this issue was provided by Dr. Patrick J. Owens, a recent graduate of the University of Notre Dame's history department and a John Quincy Adams scholar. He checked the references to the meeting in the Adams Papers. The Massachusetts Historical Society provided information on the location of microfilm copies of the Adams Papers. The portraits on page 3 are courtesy of the Adams National Historic Site and reproduced from *The Dictionary of American Portraits* (Dover Publications, Inc., 1967). The rest of the photographs are from the files of the Lincoln National Life Foundation.

Viewers of educational television's "Adams Chronicles" have been afforded a rare example of packing as much history into a popular dramatic series as the dramatic structure can bear. Short of having a man standing in front of a blackboard, the old "sunrise semester" format that educational television is trying to get away from, this may well be as much history as one can get from television. The medium makes severe demands on its message; of history, it demands narrative drive and dramatic impact. There is no latitude for a leisurely or painstaking discussion of the merits of various kinds of evidence; the show must go on.

Lincoln students furrowed their brows and shifted uneasily in their chairs during one of the more powerful scenes in the series. Charles Francis Adams, grandson of one President and son of another, had come to Washington to receive his instructions for his mission to England as Ambassador to the Court of St. James. Secretary of State William Seward took him to meet the new President; it would be the only meeting between the Ambassador and Abraham Lincoln. Adams, at his articulately deferential and

solemnly statesmanlike best, thanked the President and expressed his hopes to be able to live up to his important and difficult mission. Lincoln said nothing of the mission and, insultingly, told Adams that he was Seward's man, not Lincoln's, and owed his thanks to the Secretary of State. Lincoln then sat down at his desk, leaned back in his chair, clasped his hands behind his head, and informed Seward that he had just settled the appointment for the Chicago post office! An awkward moment followed, and Lincoln asked whether there was anything else they wanted. With that, the meeting ended.

The great hope of the third Adams political generation thus encountered the new force in American politics, the man of the

people, the man of no breeding. The scene is set for the denouement of the Adams family story: unable or unwilling to play the game of politics by the new rules of mass democracy, the family will be spurned by the America it expects to serve. The logic of Henry Adams's disgust with "Grantism" in politics in the next generation flows naturally from this image; for the Lincolns and Grants of this political world there are no statesmen, only office-seekers.

The makers of the "Adams Chronicles" were not taking license with the written sources; in fact, they followed their source scrupulously. The source is Charles Francis Adams, Junior's biography of his father, *Charles Francis Adams* (Boston: Houghton, Mifflin, 1900). The account is worth quoting at length:

Mr. Adams made at the time his own diary record of the single official interview he was ever destined to have with President Lincoln. His half-amused, half-mortified, alto-



FIGURE 1. Charles Francis Adams (1807-1886), the son of John Quincy Adams, spent most of his childhood in Europe and attended English schools for two years. His greatest diplomatic triumph was his prevention of the sale of the Laird rams to the Confederacy.





FIGURE 2. William L. Dayton (1807-1864) was Lincoln's first choice for ambassador to England. He served as ambassador to France until his death in 1864.

gether shocked description of it, given contemporaneously to members of his family was far more graphic. He had been summoned to Washington by the secretary of state to receive his verbal instructions. The country was in the midst of the most dangerous crisis in its history; a crisis in which the action of foreign governments, especially of England, might well be decisive of results. The policy to be pursued was under consideration. It was a grave topic, worthy of thoughtful consideration. Deeply impressed with the responsibility devolved upon him, Mr. Adams went with the new secretary to the State Department, whence, at the suggestion of the latter, they presently walked over to the White House, and were ushered into the room which more than thirty years before Mr. Adams associated most closely with his father, and his father's trained bearing and methodical habits. Presently a door opened, and a tall, large-featured, shabbily dressed man, of uncouth appearance, slouched into the room. His much-kneed, ill-fitting trousers, coarse stockings, and worn slippers at once caught the eye. He seemed generally ill at ease, — in manner, constrained and shy. The secretary introduced the minister to the President, and the appointee of the last proceeded to make the usual conventional remarks, expressive of obligation, and his hope that the confidence implied in the appointment he had received might not prove to have been misplaced. They had all by this time taken chairs; and the tall man listened in silent abstraction. When Mr. Adams had finished, — and he did not take long, — the tall man remarked in an indifferent, careless way that the appointment in question had not been his, but was due to the secre-

tary of state, and that it was to "Governor Seward" rather than to himself that Mr. Adams should express any sense of obligation he might feel; then, stretching out his long legs before him, he said, with an air of great relief as he swung his long arms to his head: — "Well, governor, I've this morning decided that Chicago post-office appointment." Mr. Adams and the nation's foreign policy were dismissed together! Not another reference was made to them. Mr. Lincoln seemed to think that the occasion called for nothing further; as to Mr. Adams, it was a good while before he recovered from his dismay; — he never recovered from his astonishment, nor did the impression then made ever wholly fade from his mind.

Although there were some small differences in detail in the televised version, the "Chronicles" followed the account closely and rendered its spirit nicely enough.

The problem lies in the necessity of simplification for the sake of dramatic impact. Leaving aside the invitation in Charles, Junior's account to compare Charles, Senior's original diary entry with the family tradition, one can say that there are other published sources of information written by members of the Adams family which suggest that the nature of the meeting was somewhat different from the televised version. The most obvious of these lies in Henry Adams's famous autobiography, *The Education of Henry Adams*. Henry was the Ambassador's son too, and he accompanied his father to England as his private secretary. He points out that his father's principal aide, also a political appointee, was useless: "As Secretary of Legation the Executive appointed the editor of a Chicago newspaper who had applied for the Chicago Post-Office; a good fellow, universally known as Charley Wilson, who had not a thought of staying in the post, or of helping the Minister." Much of the succeeding episode in the "Chronicles" was based on *The Education*; yet there was no attempt to pursue this obvious lead. Clearly, the Chicago post office was not something that was totally unrelated to the Adams mission; an applicant for that office was being sent instead to England. Was Lincoln's mention of the Chicago post office a gratuitous slur on Mr. Adams's high office; was it the low preoccupation of a petty politician from the West?

The evidence in Charles Francis Adams's diary seems conclusive. This is the entry for March 28, 1861; Seward was discussing the state of affairs with the new administration after suggesting that they go to see the President without a scheduled appointment:

Not very encouraging I thought. He [Seward] spoke of the President kindly and as coming gradually right, whilst he exposed to me without comment or censure a picture of his own situation — much absorption in the details of office dispensation, but little application to great ideas. The Cabinet without unity, and without confidence in the head or in each other. I must say I can now foresee but one result. He spoke of my appointment as his victory, whilst he made a species of apology for the selection of Mr. Wilson which seemed to me a little lame. Failing to carry his nomination for the post office at Chicago, the President by way of compensation flung him the place of secretary of legation of which the man was innocent of all wish. Mr. Seward could raise no objection to his own friend. I replied that I had no objection to the choice, upon the assurance that he was unobjectionable, which he gave me. After breakfast he proposed to me to go the President's to acknowledge my appointment which I did. We found ourselves in the Cabinet with only Mr. Arnold, the member of the Chicago District of Illinois there. He was evidently grieving at the President's taking out of his hands the choice of the Postmaster of Chicago, and appointing a person he did not like. Soon the President came in. He shook hands with me and said something complimentary, I briefly thanked him for the honor conferred upon me, and expressed the hope not to discredit his selection. In the matter of that, said he, I have no great claim on you, for the selection was mainly Governor Seward's. I replied, admitting my consciousness of the fact, but that without his assent, the act could not have been done. The President then turned to the main idea and announced his decision in the Chicago case. He was about to go on to talk with Governor Seward on other topics without minding me, when the latter gave me a hint, and I respectfully took my leave. Such was his fashion of receiving and





FIGURE 3. The sons of Charles Francis Adams, Charles at top, Henry in the middle, and Brooks at the bottom.

dismissing the incumbent of one of the two highest posts in the foreign service of the country! I left the presence cheerfully enough, and congratulated myself that the task of being in his council had not been laid upon me.

Within the same rough parameters of truth, what a very different image of the meeting this entry presents!

The Chicago post office was not only germane to the conversation, Seward and Adams had themselves been discussing it just before going to meet the President. Lincoln, thinking always in terms of a very young party's unity, had wanted to give the ambassadorships of England and

France to William L. Dayton and John C. Frémont, who had been the Republican nominees for Vice-President and President in 1856. Seward had preferred Adams for England, because Adams had been a major supporter of Seward's conservative policies in the secession crisis and, before that, of Seward's nomination for the Presidency in 1860. Moreover, he had no love for Frémont. Lincoln yielded, but when Seward sought to press Charles L. Wilson's appointment for Chicago, he ran afoul of Lincoln's strong obligation to John Locke Scripps, editor of the *Chicago Press and Tribune*, who had prepared a campaign biography of the President in the summer of 1860. Scripps got the Chicago post office, and Lincoln did his best to mollify Seward by giving Wilson the secretaryship in the English legation. Thus the Chicago post office was a subject of interest to Seward, Lincoln, and Adams. In fact, since Isaac Arnold of Chicago was also present, it was about the only interest that everyone present had in common.

For Adams, the nature of the conversation was insulting enough anyhow. Surely a mitigating circumstance, however, was the fact that their meeting was not a formal one — that Seward and Adams came unannounced. Moreover, Arnold was already waiting to see the President when they came in, and, if his presence had already been announced, it was no wonder the Chicago post office was the first subject which came to mind after he had "said something complimentary" to the distinguished representative of the Adams dynasty.

Why, over the years, did the Adams family's version of the story change? Why did Isaac Arnold disappear from the scene altogether, so that the men-

tion of the post office became a gross equation of the highest diplomatic post with a miserable and petty patronage plum? The answer lies in the interests and needs of the storytellers, and a clue lies ready at hand, again, in the famous *Education of Henry Adams*. Describing his feeling of "ridiculous" inadequacy to be the private secretary to his father in London, Adams could recall that he was comforted only by the knowledge that he "was not a vulture of carrion — patronage."

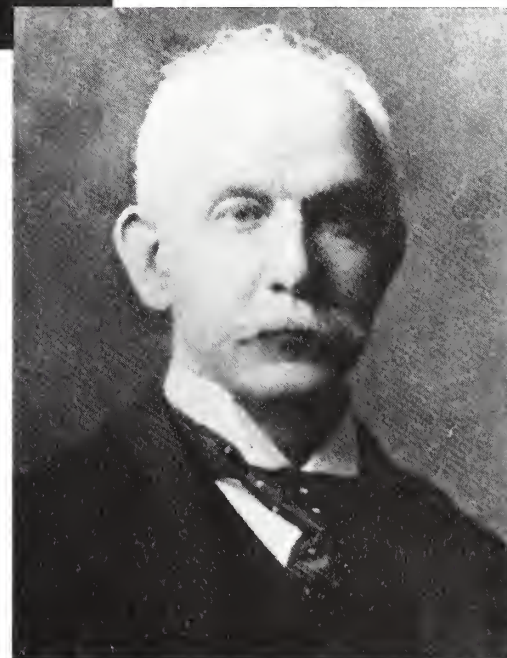
The Adams family had a long tradition of political aloofness, despite their ability to play the game with skill. In the Presidency of John Adams, the Sedition Act squinted towards the elimination of any legitimate party opposition. Yet Adams himself came nearer than many of his Federalist cohorts to accepting party as a necessary evil, and his rival Jefferson was almost as willing to see critical newspapers prosecuted by government (as long as it was a state and not the federal government) as Adams was. The spirit of the times in the early republic was hostile to political party.

John Quincy Adams began as a moderate Federalist too and did those things that a politician had to do to remain in the good graces of the democratic masses. As a National Republican, he gained the Presidency in 1824 by what his critics called a "corrupt bargain" with Henry Clay — a union, it was said, of the Puritan and the Blackleg, Blifil and Black George. As President, however, he refused to turn out officeholders who were working against his reelection, and he lost in 1828 in part because of reluctance to bargain with the Anti-Masons.

Charles Francis Adams lost the chance he had for the Liberal Republican

nomination in 1872 by writing a frosty letter claiming that he did not want the nomination, that he would not negotiate for it or give any assurances to anybody, and that he would accept only an "unequivocal call." One of the major planks of the Liberal Republican platform was civil service reform, and increasingly the Adams family showed interest in reforms which would get good men rather than party hacks into office. The reform served an urgent family need — some would say almost a psychological need — among Charles Francis Adams's children.

As the prospects that Henry, Brooks, John Quincy, 2d, or Charles Francis, Junior, would reach the station attained by their grandfather dimmed, the feeling that political parties were corrupt engines for driving mediocrities





and demagogues to office sharpened. Henry learned early that "Truth in politics might be ignored as a delusion." The political process seemed to favor "men whose energies were the greater, the less they wasted on thought; men who sprang from the soil to power; . . . more or less dull in outward appearance." The political unrest of the 1890s made him think "it probably his last chance of standing up for his eighteenth-century principles, strict construction, limited powers, George Washington, John Adams, and the rest." The giants of the era of the Founding Fathers were still available, but America did not call them.

By the 1890s, Henry's brother Charles was, in the words of his biographer, a "patrician at bay." In 1896, he wrote a friend about politics, "I can influence no one. Everyone I could possibly influence . . . thinks as I do, while those who think otherwise regard me as belonging essentially to the 'classes,' and as, therefore, not even entitled to a hearing, much less to any degree of confidence, on the part of what they are pleased to call the 'masses.'" He was at work on the biography of his father at this very time; the volume was shaped by these feelings. The equation of the Court of Saint James with the Chicago post office was all he could see in this father's diary account. It exemplified the forces that made the Adams family feel irrelevant. Isaac Arnold then vanished from the Cabinet room, never to return. Martin Duberman's 1961 biography of Charles Francis Adams repeats the story as Charles, Junior, told it.

Charles Francis Adams took his revenge on Lincoln. In 1873, he delivered a eulogy on William H. Seward before the New York legislature. Adams was still "Seward's man," in a sense, and he still tended to view Lincoln as he had appeared to Seward in the midst of the secession crisis. After that, Adams had left for Europe, not to return until after Lincoln's death; his sparser contact with domestic events in America failed to keep him in touch with Seward's changing viewpoint. Moreover, the inadequacy of his awkward meeting with Lincoln still rankled him.

After a statement that Lincoln "afterward proved himself before the world a pure, brave, honest man, faithful to his arduous task, and laying down his life at the last as a penalty for his country's safety," Adams devoted himself to "strict justice in discriminating between persons." He affirmed "without hesitation that, in the history of our Government down to this hour, no experiment so rash has ever been made as that of elevating to the head of affairs a man with so little previous preparation for his task as Mr. Lincoln." Of foreign affairs "he knew absolutely nothing," and "he was quite deficient in his acquaintance with the character and qualities of public men, or their aptitude for the positions to which he assigned them. Indeed, he never selected them solely by that standard." In fact, Lincoln largely ignored experience and technical qualifications: "It was either partisan service, or geographical position, or the length of the lists of names to commendatory papers, or the size of the salary, or the unblushing pertinacity of personal solicitation, that wrung from him many of his appointments." Seward was Lincoln's superior "in native intellectual power, in extent of acquirement, in breadth of philosophical experience, and in the force of moral discipline." Nevertheless, "Mr. Seward voluntarily dismissed forever the noblest dreams of an ambition" for the Presidency which "he had the clearest right to indulge, in exchange for a more solid power to direct affairs for the benefit of the nation, through the name of another, who should yet appear in all later time to reap the honors due chiefly to his labors."

The notion that Seward was the power behind the throne was not new. John Wilkes Booth, for one, held that theory and therefore included Seward as a victim in his grisly assassination plot. To have that theory come from a source as highly placed as Adams had been, however, was a matter of great significance. Immediately, the surviving members of Lincoln's Cabinet initiated a correspondence among themselves discussing "a general statement correcting the misrepresentations semi-officially put forth at Albany." Salmon Chase, Montgomery Blair, and Gideon Welles thought about making such a statement. Chase, however, died just a month after Adams's address, and Welles felt that the passing of the members of the Cabinet suggested the urgency of a fuller statement of the opposite view while it was still possible to obtain it from eyewitnesses. Late in 1873, Welles published three arti-

cles in answer to the address and published a fuller version in a book, *Lincoln and Seward*, in 1874.

These were the first big volleys in the long war over Lincoln's reputation. The terms of the debate quickly left the era of civil service reform behind, and there was never any great reason to investigate the roots of Adams's dislike. Chroniclers of the Adams family perpetuated the story of the meeting as "Lincolniana" became a field unto itself. The paths of these two great American names hardly ever crossed again.

Still, one need not be acquainted with the *arcana* of the Lincoln field in order to be able to describe the meeting between Adams and Lincoln in a different light. Henry Adams's autobiography contains the clue to the relevance of the Chicago post office. Charles's biography of his father all but invites comparison with the original diary entry. And the "Adams Chronicles" had access to the cooperation of the publishers of the Adams papers, available on microfilm to everyone.

The problem was not lack of zeal for research, necessarily, nor was it protectiveness of the Adams family name. The problem was the medium. Television demands drama, brief situations in which both action and dialogue tell a story of interest. Drama does not lend itself well to explaining the intricacies of patronage policy. In an hour on the subject of the Adams mission to London, television cannot explain that two Chicago newspapers editors vied for the same patronage plum, that one was championed by Seward and the other by Lincoln, that such patronage was customarily the preserve of the local Congressman who had become irate that the choice was removed from his hands, that Seward's influence on Lincoln was rising but had been exhausted by getting Adams rather than Dayton the appointment to England, that Lincoln tried even so to please Seward by giving his man in Chicago a job in England, that this man was inadequate to the task but that Seward could not tell the President so because the appointee was Seward's man, and that therefore the Chicago post office had a vital connection to the Court of Saint James. This is a subject for a book or, perhaps, a lecture; it is not the stuff of television drama. But it is history.

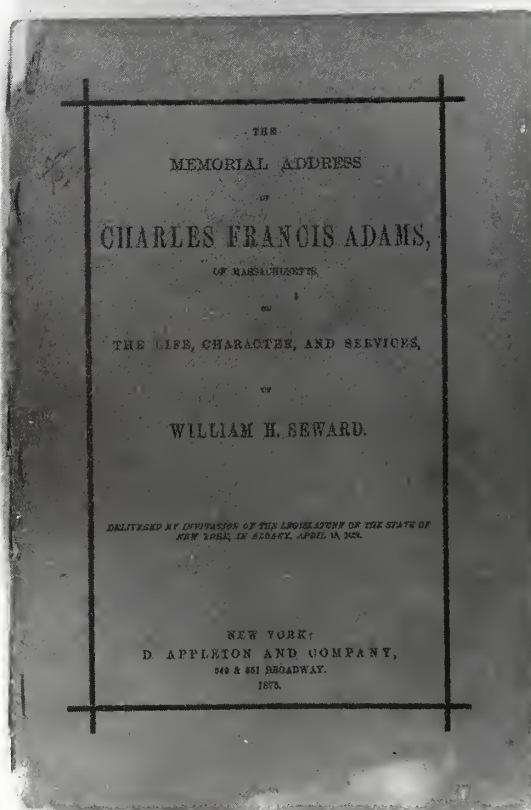
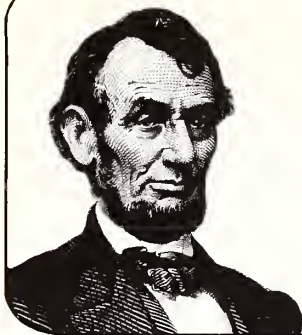


FIGURE 4. Pamphlet version of C. F. Adams's eulogy on Seward.





# Lincoln Lore

March, 1980

Bulletin of the Louis A. Warren Lincoln Library and Museum. Mark E. Neely, Jr., Editor.  
Mary Jane Hubler, Editorial Assistant. Published each month by the  
Lincoln National Life Insurance Company, Fort Wayne, Indiana 46801.

Number 1705

## "That Love Affair": Did William Makepeace Thayer Nearly Uncover the Mary Owens Romance?

Early in the summer of 1862, a Boston publishing firm, Walker, Wise, and Company, asked William Makepeace Thayer to write a book for boys on Abraham Lincoln's early life. Thayer, a Congregationalist minister from Massachusetts, was already locally famous for his boys' biography of Nathaniel P. Banks called *The Bobbin Boy*. Walker, Wise, and Company gave Thayer some letters and documents by John Locke Scripps, the Chicago author of one of the earliest campaign biographies of Lincoln, to prepare him for the task. Thayer planned to use the successful *Bobbin Boy* as a model. He would tell "the actual early life" of Lincoln as "a story, the imagination doing nothing more than to connect facts in the most natural way." This style was "more taking with the young" and allowed Thayer to follow a tested formula, inserting only the facts of another man's life. Thayer's object was "to show that 'the boy is father of the man,' showing the young that pluck and not luck makes the man, when it is accompanied with patience, perseverance, application sobriety, honesty &c."

After about a month of work on the book, Thayer read a letter written from Lincoln's old Illinois friend, Orville Hickman Browning, to his publisher, Mr. Wise. It emboldened him to write Browning on July 18th, to inquire about more details of the President's early life. Thayer's letter, now in the Abraham Lincoln Papers at the Library of Congress, reveals in detail the origins of his fabulously popular work on Lincoln.

The didactic author asked first about Lincoln's schooling:

The President went to school some in Kentucky before he moved to Indiana[.] There is where I want to begin the story of his life. Is it possible for me to learn any thing about his father's employment then, in what kind of a house he lived, how poor they were,

whether he went to school in a house built for a school, was his father's house & was the school house of logs? What is the name of the town where he was born?

Like Scripps, Thayer was a sturdy Republican, and he naturally seized on the story of the Lincolns' departure from Kentucky. "His life by Mr. Scripps," Thayer continued, "says that his father left Kentucky because slavery oppressed the poor whites — could I learn any facts about that?" Lincoln had actually told Scripps that his father left Kentucky "partly on account of slavery; but chiefly on account of the difficulty in land titles in K[entucky]." Thayer would continue to stress the antislavery theme which appealed to Republicans.

As an Easterner, Thayer was anxious for the details of life on the frontier. He wanted to know about Lincoln's rolling logs and "going to huskings." He also sought information about those things which made frontier life more civilized. He asked for the names and addresses of "any of his pastors or teachers." He made a special point of asking for "Any facts relating to his temperance principles, & resisting temptations to drink." Descriptions of the baneful effects of heavy drinking before the rise of the temperance movement and admonitions against drinking would form a principal theme in Thayer's Lincoln biography.

Thayer wanted the names and addresses of the Lincolns' neighbors in Kentucky, Indiana, and Illinois. He especially desired the address of Lincoln's stepmother, for he would place heavy emphasis on the role of the mother and stepmother in Lincoln's home. Thayer had already written to Mary Todd Lincoln but received no reply. He told Browning that he would like to correspond with her or, at least, with the Lincolns' eldest son, Robert.

One of Thayer's questions was extraordinary:

That love affair — I



THE PIONEER BOY.

From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 1.** This illustration from Thayer's book showed the pioneer boy cutting down a tree with his father in the Indiana wilderness.





FIRST DAY AT SCHOOL.

From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 2.** The frontispiece of Thayer's book featured young Lincoln on his way to his first day in school.

should really like to learn the leading features of it, inasmuch as there is a matter of honor in it — a prominent part of my object is to show that his strict integrity has given him his *power of character*, which had as much to do with giving him the Presidency as anything.

*What love affair?* Scripps mentioned no romantic interests in Lincoln's life except his wife. Lincoln's romance with Mary Owens was unknown to the public until the appearance of Ward Hill Lamon's *Life of Lincoln* in 1872. How did Thayer know anything about any "love affair" before Mary Todd?

The answer must lie in Browning's letter to Wise, but the location of that letter is unknown. Browning did know about the Mary Owens affair. Lincoln's famous April Fools' Day letter about it was written to Browning's wife in 1838. That letter made a particular point of Lincoln's desire to do the honorable thing. Having promised to marry Mary Owens, he would live up to the promise even though he did not particularly want to marry her. Why Browning would have written Wise about the matter is unclear. Browning's diary shows that he was acquainted with a Mr. Wise from Boston before the war, but it is not clear whether this was the man associated with Thayer's publishing firm. Lincoln's letter about Mary Owens was old and entirely private, and it was hardly a proper subject for idle conversation, even with a close friend. In the wrong hands, it could have been fuel for ridicule of the President. Even if Browning mentioned it to Wise, it seems strange that Wise would have shown Browning's letter to Thayer without Browning's permission.

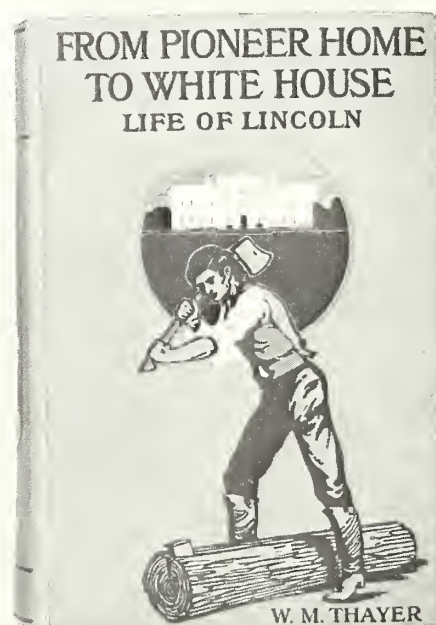
Years later, William Henry Herndon uncovered most of the details of the Mary Owens affair. It was a piece of detective work of which he was proud. Herndon had heard a story — he did not know whether it was true — "that during his term as President the lady to whom it was written — Mrs. O. H. Browning, wife of a fellow-member of the legislature — before giving a copy of it to a biographer, wrote to Lincoln asking his consent to the publication, but that he answered warning her against it because it was too full of truth." Thayer's letter makes Herndon's story somewhat plausible.



THE FIRST LETTER

From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 3.** Lincoln wrote his first letter, Thayer said, to obtain a preacher for Nancy Hanks Lincoln's funeral.



From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 4.** Still popular in the 1920s, Thayer's expanded book featured more sophisticated art work on the cover.





From the Louis A. Warren  
Lincoln Library and Museum

**FIGURE 5.** The 1882 edition of Thayer's expanded book featured on the cover, of all things, a football player.

We may never know. In the end, Thayer did not mention any romance in his book. On July 26, 1862, Browning saw President Lincoln at the White House and "read him a portion of the letter." Lincoln asked him to leave the letter with him. Browning did so, and thus the letter now appears in the Abraham Lincoln Papers at the Library of Congress. As far as is known, Lincoln never replied to Thayer's letter. *The Pioneer Boy, and How He Became President* appeared in 1863 and was a great success. Seven thousand copies had been printed by the end of 1863, and eighteen thousand were in print in 1864. An 1865 edition noted that twenty-eight thousand copies had been printed. He expanded the book in 1882 and sold about sixty thousand copies by the end of the century. Though no longer read, Thayer's book was, for a time, the most complete biography of Lincoln, and its rags-to-riches theme was clearly a formula for successful writing in Lincoln's century.

## Some New Light on the Matson Slave Case

Of the handful of Abraham Lincoln's legal cases which are widely known, the Matson slave case is by far the most controversial. The anomaly of the Great Emancipator's involvement on the side of a slaveholder in this fugitive slave case has vexed and puzzled historians for decades. Early biographies tended to ignore it altogether. Later, some writers tried to explain it away by suggesting that Lincoln had so little taste for this species of litigation that he performed poorly in court, lost the argument, and thus allowed the fugitives to go free. Historians in recent years have been content to admit that Lincoln was a complex man, not always consistent, and to emphasize the rapid growth of his anti-slavery feelings in the later years of his life. All of this literature, however, has been consistent in focusing on the lawyer's personal moral dilemma. The legal issues involved

in the case have been substantially ignored.

The Matson slave case was a hearing for a writ of *habeas corpus* in behalf of Jane Bryant and her four children. They were the slaves of Robert Matson, a Kentucky planter who owned land in Coles County, Illinois. Matson brought slaves to Illinois to farm the land every year but always returned them after harvest, thus avoiding any claim that his slaves were permanent residents on Illinois's free soil and, therefore, entitled to freedom. Matson employed Jane's husband, Anthony, as a permanent overseer on the Illinois farm. This was strictly legal, for Anthony was a free man.

In 1847 Jane Bryant had a serious falling-out with Matson's white housekeeper, who may have been the master's mistress. Anthony began to fear that the housekeeper might persuade Matson to sell Jane and the children South. The housekeeper had threatened to do so, and she appeared to be in a position to make her threat stick. Anthony sought the help of Gideon M. Ashmore and Hiram Rutherford, local antislavery men. They kept Jane and the children at Ashmore's inn in Oakland, Illinois. Matson sought the remedy of law to gain the return of his property. He employed attorney Usher F. Linder, who managed to have the slaves confined to the jail in Charleston, the county seat of Coles County. Ashmore and Rutherford obtained a writ of *habeas corpus*, demanding Illinois's reasons for confining the fugitives, and a hearing was held before Judges Samuel H. Treat and William Wilson on October 16, 1847.

Lincoln came to Coles County and was also engaged on Matson's side. The opposing attorneys, Orlando B. Ficklin and Charles H. Constable, argued that the Northwest Ordinance of 1787 and the Illinois Constitution made the slaves free by virtue of their residence on the soil of a state where slavery was illegal. Lincoln apparently argued that Jane Bryant was a seasonal worker following a long-accepted custom and was in no way a legal resident of the state. The judges ruled in favor of the slaves and declared them free.

The aforementioned facts in the case are common knowledge. New light comes from Don E. Fehrenbacher's *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978). Professor Fehrenbacher explains that the legal difference between "domicile" and "sojourn" in a free state was a commonplace distinction in American jurisprudence in Lincoln's day. In Pennsylvania, for example, a master could remain in the state with his slaves for six months without affecting the legal status of the slaves. New York allowed a nine-month sojourn with slaves. In 1843 the Illinois Supreme Court had affirmed a master's right of sojourn in the state with his slaves, saying that to deny it would "tend greatly to weaken, if not to destroy the common bond of union amongst us." In the 1840s, however, New York and Pennsylvania revoked their laws allowing sojourn with slaves, and courts in other Northern states began to rule that slaves were freed merely by touching free soil. In the Matson case, some of Illinois's judges followed the new trend.

John J. Duff argued in *A. Lincoln: Prairie Lawyer* (New York: Rinehart, 1960) that Lincoln performed well in the case and that Ficklin and Constable performed poorly. All they had to do to assure her freedom, Duff claimed, was to cite as precedent the decision in *Bailey vs. Cromwell* — in which Lincoln himself had gained freedom for a Negro girl named Nance by arguing that the Illinois Constitution and the Northwest Ordinance prevented her being a slave in the state! Duff's argument betrays his lack of understanding of the issues in the Matson case. The issues in *Bailey vs. Cromwell* were altogether different. Nance was a resident of Illinois, an indentured servant rather than a slave. The Supreme Court ruled that Illinois law presumed a person free without any proof to the contrary, and Nance's "owner" could not produce that proof. The important point is that she lived in Illinois. *Bailey vs. Cromwell* had nothing to do with "domicile" and "sojourn."

The real marvel in the case is the reasoning of Treat and Wilson. Both men had been members of the Illinois Supreme Court in 1843, when it affirmed the right of sojourn with slaves in the state!

In the Matson slave case, Lincoln and Linder had the law on their side but not the judges.







